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February 8, 2022

Honorable Taryn A. Merkl, U.S.M.J.  
United States District Court  
Eastern District Of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Morales et al. v. Fourth Avenue Bagel Boy, Inc. et al.**  
**18 Civ. 3734 (DLI) (TAM)**

Dear Judge Merkl:

We write in response to the Court's Minute Entry and Order of January 25, 2022. As Your Honor may recall, during the January 25, 2022 telephone conference, Mr. Natale conveyed a settlement offer of \$10,000 to Mr. Gerges and \$10,000 to Mr. Morales.

We request a telephone conference with Your Honor regarding the following:

**A. Mr. Gerges**

After the January 25, 2022 conference, and at the direction of Mr. Gerges, we advised Mr. Natale that Mr. Gerges will accept Mr. Natale's \$10,000 settlement offer. On February 7, 2022, I sent a draft settlement agreement to Mr. Natale and expected to subsequently file a letter motion with the Court seeking approval of the settlement pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). However, since January 25, 2022, Mr. Natale has apparently had direct communications with Mr. Gerges regarding a substantially lower settlement amount, without my knowledge, until after the fact.

**B. Mr. Morales**

Mr. Morales rejects Mr. Natale's settlement offer. We request that Your Honor issue an order compelling Defendants to provide the discovery outlined in my Firm's February 26, 2021 letter to the Court, annexed to my July 16, 2021 letter. (*See* Dkt. #62). We believe that, if Defendants fully cooperate, such discovery could be completed within 90 days.

Respectfully submitted,  
/s/ Kenneth A. Goldberg  
Kenneth A. Goldberg